

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., February 10, 2004

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the previous meeting

AWARDS AND PRESENTATIONS

Proclamations

Recognition of Kansas BEST students.

PUBLIC AGENDA

1. King David Davis-Getting back to the basics.

UNFINISHED BUSINESS

2. Radio Maintenance Fee Request.
(continued from December 30, 2003)

RECOMMENDED: Approve the proposed lease agreement with the
County for the use of the City-owned facility for
radio repair and authorize any necessary budget
adjustments to accommodate the radio fee.

NEW BUSINESS

3. Public Hearing and Request for Issuance for Industrial Revenue Refunding and Improvements Bonds, Wichita Sheet Metal Supply, Inc. (District IV)

RECOMMENDED ACTION: Approve first reading of the Bond Ordinance
authorizing the execution and delivery of
documents for the issuance of Industrial
Revenue Refunding and Improvements Bonds
for Wichita Sheet Metal Supply, Inc. in the
amount of \$2,465,000, and the payment and
redemption of Series VII-A&B, 1998 outstanding
Bonds, and authorize the necessary signatures.

4. Authorize a Second Five-Year Tax Exemption-Eck and Eck Machine Co., Inc. (District IV)

On February 3, 1998, City Council approved and Economic Development Tax Exemption (EDX) for Eck & Eck Machine Co., Inc. to assist with expansion of the companies manufacturing operations. On December 31, 2003, the initial five-year period for tax exemption expired. Eck & Eck requests the City Council to extend the tax exemption to include the second five-years on the ad valorem tax exemption on real property.

RECOMMENDED ACTION: Approve a second five-year ad valorem tax exemption at 46.2 percent on real property only.

5. Request for Letter of Intent for Health Care Facilities Refunding Revenue Bonds-Riverside Village, Inc. (District VI)

In 1999, City Council approved the issuance of Hospital Facilities Improvement Revenue Bonds in the amount of \$3.6 million to provide additional funds to complete the project. Via Christi is now requesting approval of a Letter of Intent for the issuance of Health Care Facilities Refunding Revenue Bonds in an amount not-to-exceed \$9,200,000.

RECOMMENDED ACTION: 1) Approve a Letter of Intent to issue Health Care Facilities Refunding Revenue Bonds for Riverside Village, Inc. in an amount not-to-exceed \$9,200,000, subject to the Standard Letter of Intent Conditions, 2) authorize the call for Redemption of the Series II, 1997 Bonds and the Series IV, 1999 Bonds, and 3) authorize the necessary signatures.

6. Proposed 2004-2013 Capital Improvement Program.

Each of the six DABs received a presentation of the CIP proposal, followed by a question and answer session with City Staff. All six DABs recommended approval of the proposed capital program.

RECOMMENDED ACTION: Approve the 2004-2013 Capital Improvement Program and authorize initiation of projects scheduled for 2004 and 2005, with appropriate design solicitation and filing of applications for available State and Federal project support.

7. 2005 Federal Legislative Requests.

Federal funds leverage local funds permitting projects to be completed quicker than may be possible from local funds. Federal legislation permits the City of Wichita to receive a larger share of federal grant funds for a range of activities from Airports to Water and Sewer. Federal funds can also address special priority projects that cannot be funded from local funds. During 2002, the City of Wichita, received \$59,226,543 in federal funds.

RECOMMENDED ACTION: Designate the 2005 Federal Legislative priorities.

8. Aggregate Mining and Development-Selection of Preferred Developer.

In June 2003, the City received an unsolicited proposal to mine aggregate from the City owned Kingsbury Tract. A request for Proposal (RFP) was issued on Monday, September 15, 2003. Four proposals were received in response to this RFP.

RECOMMENDED ACTION: Select Quick Sand, Inc. as the preferred developer for the aggregate mining and future development of the Kingsbury Tract and that staff be directed to negotiate a development agreement and return to Council with the agreement. Furthermore, once the alternative site development plans are completed, they shall be taken to the Park Board and DAB VI (or other DAB's as deemed appropriate) to allow both groups to provide input to the City Council in the selection of a development plan for the site.

9. Web Site Update.

The IT/IS department, in conjunction with the City Manager's Office, unveiled the newest development to strengthen the ability to bring City Hall to the citizens of Wichita through the ease of computers and e-mail. A new "E-Subscriptions" service has been developed so citizens can sign up for City information. By signing up on E-Subscriptions and clicking the appropriate box, the user will receive notification via e-mail whenever a new item is placed on the web site.

RECOMMENDED ACTION: Receive and file report.

10. Wichita River Festival.

The Wichita River Festival is a ten-day-long event founded over 30 years ago and today is one of the most successful events of its kind. The Festival has grown to encompass over 100 events citywide and has an economic impact of over \$18 million for the community. Over 4,000 volunteers and 200 corporations help make the events possible.

RECOMMENDED ACTION: Approve the Contract and authorize the necessary signatures.

11. DR03-021: 21st Street North Corridor Revitalization Plan-Selection of Consultant. (District I and VI)

At the City Council workshop on August 26, 2003, Council directed staff to prepare an RFP for consulting services to develop and prepare a definitive vision, comprehensive future land use revitalization concept and strategic action implementation plan for targeted segments of the 21st Street North corridor located between Hillside and Amidon.

RECOMMENDED ACTION: 1) Approve the selection of EDAW for the undertaking of this project, and authorize the necessary signatures. 2) Authorize a 30-day public comment period and approve the substantial amendment of the 2003/2004 One-Year Action Plan subject to citizen comments received.

11a. Sanitary Sewer to Serve an Area North of Esthner, West of West Street. (District IV)

The lack of City sewer service is hindering the continued development of this area. District IV Advisory Board sponsored a January 7, 2004, neighborhood hearing on the project. The Board voted to recommend approval.

RECOMMENDED ACTION: Approve the project and adopt the Resolution.

CITY COUNCIL AGENDA

12. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

CONSENT AGENDA

13. Report of the Board of Bids and Contracts Dated February 9, 2004.

RECOMMENDED ACTION: Receive and file report; approve Contracts; authorize necessary signatures.

14. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Danny Vo	Lotus Garden Restaurant	2135 West 21st Street North
<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Jay D. Brichacek	On the Road, Inc.	550 North Webb Road
Dwayne Kuhns	Sunrise Car Care	6327 East 13th Street
<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>

(Item 14 continued)

Hau Ma	Kim Cigarette	4001 South Seneca
<u>New Establishment</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Mark Branham	QuikTrip #396R	324 South West Street

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

15. Preliminary Estimates:

- a) Andrea, from the west line of Lot 3, Block E to the west line of 123rd Street East; Andrea Court (Lots 56 thru 64), Block A) from the north line of Andrea to and including cul-de-sac; Andrea Court (Lots 12 thru 22, Block E) from the south line of Andrea to and including cul-de-sac; Andrea Court (Lots 7 thru 12, Block E) from the east line of Andrea Court to and including cul-de-sac; and Tara Falls Court (Lots 28-42, Block E), from the east line of Tara Falls to and including cul-de-sac to serve Tara Falls Addition - south of Harry, east of Greenwich. (472-83848/765822/490933) Does not affect existing traffic. (District II) - \$296,000.00
- b) Lateral 497 Southwest Interceptor Sewer to serve The Legacy Addition - north of 47th Street South, west of Meridian. (468-83742/744027/480715) Does not affect existing traffic. (District IV) - \$220,600.00
- c) Lateral 4, Main 1 Northwest Interceptor Sewer to serve Evergreen 4th Addition - south of 29th Street North, west of Maize. (468-83639/744028/470716) Does not affect existing traffic. (District V) - \$255,200.00
- d) Water Distribution System to serve The Legacy Addition - north of 47th Street South, west of Meridian. (448-89902/735162/470832) Does not affect existing traffic. (District IV) - \$46,000.00
- e) Water Distribution System to serve Evergreen 4th Addition - south of 29th Street North, west of Maize. (448-89831/735163/470833) Does not affect existing traffic. (District V) - \$95,150.00
- f) Paddock Green Circle from the north line of Wilson Estates Parkway to 97 feet south of the north line of Lot 5, Block 1, and the cul-de-sacs serving Lots 1 through 5 and Lots 30 through 38, Block 1 to serve Brighton Courts Addition - south of 21st Street North, west of Webb. (472-83816/765825/490936) Does not affect existing traffic. (District II) - \$163,000.00
- g) Pine Meadow Court from the north line of Pine Meadow Street to and including the cul-de-sac serving Lots 1 through 12, Block 1, to serve Pine Meadows Second Addition - south of 13th Street North, east of Greenwich. (472-83459/765826/490937) Does not affect existing traffic. (District II) - \$137,000.00
- h) Lateral 356 Four Mile Creek Sewer to serve Savanna at Castle Rock Ranch 5th & 7th Additions - north of 13th Street North, east of 143rd Street East. (468-83681/744023/480711) Does not affect existing traffic. (District II) - \$91,000.00
- i) Water Distribution System to serve Savanna at Castle Rock Ranch 5th & 7th Additions - north of 13th Street North, east of 143rd Street East. (448-89860/735157/470827) Does not affect existing traffic. (District II) - \$60,000.00
- j) 2004 Planeview Sanitary Sewer Reconstruction Phase 1 - south of Pawnee, east of Hillside. (468-83753/622240/643348) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$220,000.00

(Item 15 continued)

- k) Lateral 4, Main 12, Sanitary Sewer #23 to serve Eagles Landing at North Oliver Second & Third Additions - south of 45th Street North, west of Oliver. (468-83287/744029/480717) Does not affect existing traffic. (District I) - \$94,000.00
- l) Water distribution system to serve Eagles Landing at North Oliver Second & Third Additions – south of 45th Street North, west of Oliver. (448-89907/735165/470835) Does not affect existing traffic. (District I) - \$58,000.00
- m) Lateral 50, Main 2, Sanitary Sewer #22 to serve Westway Addition - south of Pawnee, west of Seneca. (468-83754/744031/480719) Does not affect existing traffic. (District IV) - \$35,100.00
- n) Lateral 66, Main 4, Southwest Interceptor Sewer to serve University and Ridge Addition - south of Maple, east of Ridge. (468-83744/744032/480720) Does not affect existing traffic. (District V) - \$27,648.00
- o) Lateral 35, Main 1, Cowskin Interceptor Sewer to serve Thunderbird Office Park Addition - south of Maple, west of 119th Street West. (468-83425/744030/480718) Does not affect existing traffic. (District V) - \$57,000.00
- p) Water distribution system to serve Thunderbird Office Park Addition - south of Maple, west of 119th Street West. (448-89899/735166/470836) Does not affect existing traffic. (District V) - \$50,000.00
- q) Storm Water Sewer #602 to serve Thunderbird Office Park Addition - south of Maple, west of 119th Street West. (468-83746/751345/485245) Does not affect existing traffic. (District V) - \$82,000.00
- r) 2004 Contract Maintenance Area Concrete Street Repairs, Phase 1 - north of 31st Street South, east of Meridian. (472-83912/132716/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,III,IV) - \$135,000.00
- s) 2004 Sanitary Sewer Reconstruction Phase 1-Hilltop area - south of Lincoln, west of Oliver) (468-83740/620395/663515) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$500,000.00
- t) 2004 Contract Maintenance Street Repairs and Quickset Slurry Seal, Phase 1 - north of 55th Street South, east of West Street. (472-83917/131532/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,VI) - \$420,440.00
- u) 2004 Contract Maintenance Area Concrete Street Repairs Phase 2 - north of Harry, east of Broadway. (472-83913/132716/620398/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II) - \$251,500.00
- v) Installation of a sanitary sewer within Edgemoor Park starting in 9th Street, and extending south along the east side of the Library property to Edgemoor Park, then west to an existing sewer main - south of 9th Street, east of Edgemoor. (468-83722/620391/663512) Traffic to be maintained during construction using flagpersons and barricades. (District 1) - \$85,000.00
- w) Water distribution system to serve Eagles Landing at North Oliver 3rd Addition - south of 45th Street North, west of Oliver. (448-89906/735164/470834) Does not affect existing traffic. (District I) - \$57,000.00

(Item 15 continued)

- x) Lateral 9, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (468-83757/744035/480723) Does not affect existing traffic. (District V) - \$163,000.00

RECOMMENDED ACTION: Approve and file.

16. Deeds and Easements:

- a) Easement dated December 17, 2003 from Triple Net Properties, L.L.C., a Virginia limited company, for a tract of land in Lot 1, Block 1, Westway Addition, Wichita, Sedgwick County, Kansas (Westway Sanitary Sewer, OCA#744031). No cost to City.

RECOMMENDED ACTION: Accept documents.

17. Petitions for Public Improvements:

- a) Sanitary sewer to serve part of Lake Ridge Commercial 2nd Addition, north of 21st Street, east of Ridge. (District V)
- b) Sanitary sewer to serve Wichita Clinic Addition, south of 21st Street, east of K-96 Expressway. (District II)
- c) Storm water sewer for Rivendale Addition, north of 55th Street South, west of Hydraulic. (District III)
- d) Water distribution system to serve an area along 37th Street North, between Tyler and Ridge. (District V)
- e) Pave 37th Street North, between Tyler and Ridge. (District V)
- f) Street paving and water distribution system to serve Hidden Glen Addition, west of Hydraulic, south of 4th Street South. (District III)
- g) Design services associated with 37th Street North Improvements, between Tyler and Ridge. (District V)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

18. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

19. Agreements/Contracts:

- a) Municipal Court bailiff and guard services.
- b) Agreement with the City of Eastborough for joint participation in the milling and overlay of Douglas from Woodlawn to Edgemoor. (District II)
- c) Consultant for Brooks Landfill groundwater investigation. (District VI)
- d) Contract Renewal-Seasonal Employment.

(Item 19 continued)

e) Contract for Environmental Engineering Services-Supplemental.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

20. Contracts & Agreements-Blankets Purchase Orders Renewal Options, January 2004.

RECOMMENDED ACTION: Receive and file report.

21. Professional Contracts under \$10,000-Purchase Orders for December 2003 & January 2004.

RECOMMENDED ACTION: Receive and file report.

22. Assistance to Firefighters Grant Program Grant Award.

RECOMMENDED ACTION: Approve the acceptance of FEMA's Assistance to Firefighters Grant Program for Fire Operations and Firefighter Safety Program grant award and authorize the Mayor to sign.

23. 2004 Community Services Block Grant Application.

RECOMMENDED ACTION: Approve the 2004 CSBG application and authorize the necessary signatures.

24. Snow and Ice Budget Adjustment.

RECOMMENDED ACTION: Approve the budget adjustment of \$300,000 for 2004 snow and ice materials expenditures.

25. Proposed Assessment Rolls.

Proposed Assessment Rolls have been prepared for thirty-one (31) water projects, thirty-seven (37) sewer projects and ten (10) storm sewer projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held March 1, 2004.

RECOMMENDED ACTION: Set the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, March 16, 2004; and direct that the notices of hearing be published at least once, not less than 10 days prior to the date of the hearing.

26. Security Access Control System for Greenway and McLean Manor.

RECOMMENDED ACTION: Approve TAC Americas, Inc. as the City's preferred security system manufacturer and Sandifer Engineering & Controls, Inc. as the preferred vendor.

27. Marketing of Surplus Parcel at Markway and Broadway. (District VI)

RECOMMENDED ACTION: Declare the property surplus and approve the marketing strategy as described.

28. Easement Encroachment Agreement. (District I)

RECOMMENDED ACTION: Approve the Agreement and authorize the necessary signatures.

29. Purchase of two (2) Trolleys.

RECOMMENDED ACTION: Approve authorization for the purchasing manager to purchase two (2) replica trolleys with accessories from Optima Bus Corp.

30. Park & Recreation Marketing Agency for Summer Program.

RECOMMENDED ACTION: Approve Greteman Group and authorize the necessary signatures.

30a. Community/Neighborhood Development Grant Application.

RECOMMENDED ACTION: Approve the application and authorize the necessary signatures.

31. Second Reading Ordinances: (First read February 3, 2004)

a) ZTM, Inc. (District III)

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of ZTM, Inc., so exempted.

b) 21st Street Bridge at St. Francis. (District VI)

An Ordinance declaring the 21st Street Bridge at St. Francis (472-83933) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

(Item 31 continued)

- c) Electric Franchises Agreement with for Kansas Gas and Electric Company GE (Westar) and Sedgwick County Electric Cooperative Association, Inc.
 - 1. An Ordinance of the City of Wichita, Kansas, granting to9 Kansas Gas and Electric Company D/B/A Westar Energy, its successors and assigns, an electric light, heat, and power franchise and prescribing the terms of said grant and relating thereto.
 - 2. An Ordinance of the City of Wichita, Kansas, granting to Sedgwick County Electric Cooperative Association, Inc. its successors and assigns, an electric light, heat and power franchise and prescribing the terms of said grant and relating thereto.
- d) Hydraulic Improvement, between 57th Street South and 47th Street South. (District III)

An Ordinance declaring Hydraulic, between 47th Street South and 57th Street South (472-83902) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.
- e) “Cleanup” amendments to the Residential Building Code (Title 18) and Mechanical Code (Title 22), all relating to certain Mechanical Code requirements.

An Ordinance amending Section 22.04.036.11 and repealing original of said amended Section; and creating Sections 22.04.036.14 (a), AND 22.04.036.16; ALL IN THE code of the City of Wichita, Kansas, and pertaining to the Mechanical Codes of the City of Wichita, Kansas.
- f) City Code Chapter 5.88 amendments.

An Ordinance amending Section 5.88.020 of the Code of the City of Wichita, Kansas pertaining to unlawful discharge of a firearm, air rifles, pellet guns and bb guns.
- g) Ordinance Amendment on Council Procedures – Calling the Question.

An Ordinance of the City of Wichita pertaining to City Council Rules of Procedure; amending Code Sections 2.04.190 and 2.04.410; and repealing the originals of said Sections.
- h) Amendment of Ordinance Establishing Fees for Subdivision Applications and Proceedings

An Ordinance amending Section 2.26.030 of the Code of the City of Wichita, Kansas, pertaining to fees for Subdivision Applications and Proceedings and repealing the original of said Section.
- i) ZON 2003-04 - north of Central, on the west side of Hoover. (District VI)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2003-04)
- j) ZON2003-55 - south Side of Maple, west of Ridge Road. (District V)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210.

(Item 31 continued)

- k) A04-05 - north of Pawnee between 127th and 143rd Street East. (District II)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. (A04-05)

- l) A04-06 - generally located northwest of the intersection of Meridian and 61st Street North. (District VI)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. (A04-06)

- m) Sidewalk repair.

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas.

RECOMMENDED ACTION: Adopt Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

32. *SUB 2003-109-Plat of C. Duke Addition, Located on the South Side of 47th Street South, West of 135th Street West.

RECOMMENDED ACTION: Approve the document and plat, authorize the necessary signatures and adopt the Resolutions.

33. *SUB 2002-113-Plat of Randy's Repair Addition, Located West of Ridge Road, on the North Side of 53rd Street North.

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions and approve first reading of the Ordinance.

34. *SUB 2003-96-Plat of English Country Gardens Addition, Located East of Tyler Road, North of 13th Street North. (District V)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures, adopt the Resolutions and approve first reading of the Ordinance.

35. *SUB 2003-113-Plat of Regency Lakes Commercial Second Addition, Located on the Northwest Corner of 21st Street and Greenwich Road.

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

36. Report of Public Housing Occupancy.

RECOMMENDED ACTION: Receive and file the report.

37. 2003 Public Housing Assessment System.

RECOMMENDED ACTION: Review and approve the submission of the 2003 Public Housing Assessment System Certification to the Department of HUD; adopt the resolution; and authorize the necessary signatures.

38. Report of Public Housing Capital Improvements.

RECOMMENDED ACTION: Receive and file the report.

39. Revisions of the 2002 and 2003 HUD Capital Fund Grant Budgets.

RECOMMENDED ACTION: Approve the revisions of the 2002 and 2003 HUD Capital Fund Grant Budgets.

40. Section 8 Management Assessment Program (SEMAP).

RECOMMENDED ACTION: Approve the certification relative to the Submission of the 2003 Section 8 Management Assessment Program (SEMAP).

41. Section 8 Monthly Statistical Report.

RECOMMENDED ACTION: Receive and file the report.

Adjournment

Workshop to follow: 2004 Wichita Aviation Festival